

**IN THE UNITED STATES DISTRICT COURT FOR  
THE SOUTHERN DISTRICT OF WEST VIRGINIA**

**HUNTINGTON DIVISION**

KEVIN LEE MAYNARD,

Plaintiff,

v.

CIVIL ACTION NO. 3:16-10694

NANCY A. BERRYHILL,  
Acting Commissioner of the  
Social Security Administration,

Defendant.

**MEMORANDUM OPINION AND ORDER**


This action was referred to the Honorable Cheryl A. Eifert, United States Magistrate Judge, for submission to this Court of proposed findings of fact and recommendations for disposition, pursuant to 28 U.S.C. § 636(b)(1)(B). The Magistrate Judge has submitted findings of fact and recommended that Plaintiff's motion for judgment on the pleadings be denied (ECF No. 13); Defendant's motion for judgment on the pleadings as articulated in her brief in support of Commissioner's decision be granted (ECF No. 14); the final decision of the Commissioner be affirmed; that this this action be dismissed, with prejudice, and removed from the docket of the Court. Neither party has filed objections to the Magistrate Judge's findings and recommendations.

Accordingly, the Court accepts and incorporates herein the findings and recommendations of the Magistrate Judge and **ORDERS** that Plaintiff's motion for judgment on the pleadings be **DENIED** (ECF No. 13); Defendant's motion for judgment on the pleadings as articulated in her

brief in support of Commissioner's decision be **GRANTED** (ECF No. 14); the final decision of the Commissioner be **AFFIRMED**; that this this action be **DISMISSED, with prejudice**, and removed from the docket of the Court, consistent with the findings and recommendations.

The Court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any unrepresented parties.

ENTER: November 21, 2017

  
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ROBERT C. CHAMBERS  
UNITED STATES DISTRICT JUDGE